

ORIGINAL

Steve Romansky AY-8324
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June 4, 2001
KAMBO/PTS
6/7/01 TS

Mary E. D'andrea, Clerk
U.S. District Court
P.O. Box 1148
Scranton, PA 18501

FILED
SCRANTON

JUN - 6 2001

PER Wm
DEPUTY CLERK

Re: Romansky v. Blaine, Jr., Civil No. 3: CV-00-1520.

Dear Ms. D'andrea:

This will acknowledge receipt of the Court's Order and Notice of Election dated May 29, 2001. To say that I'm confused is an understatement. I feel like I've been asked to play an intensified game of Russian-Roulette with only one empty chamber in the gun and I must pick the right one.

I sincerely hope that you can help me with my confusion, or give me the name of some one that may be able to assist me in making this decision. I don't feel that I have enough information at this point to make a logical decision.

In reviewing the background of this order I agree that I filed my petition for writ of habeas corpus pursuant to 28 U.S.C Section 2254 on August 25, 2000. On September 25, 2000, I mailed you

my memorandum in support of habeas corpus. Next I received a copy of the Court's Order dated January 11, 2001, directing the Commonwealth to answer my petition within twenty (20) days (which they did on January 31, 2001) and me fifteen (15) days to file a reply brief (which I did on February 7, 2001).

Next I received this Order dated May 29, 2001, directing me to pick one of three options:

(1) Have your action or motion ruled upon as filed.
In this case have it ruled upon as an action brought under 28 U.S.C. Section 2254.

I was under the impression that when I filed it, it was an action brought under 28 U.S.C. Section 2254. If not what did I file?

(2) Have your motion recharacterized as a motion brought under 28 U.S.C. Section 2254 and heard as such....

If I filed under 28 U.S.C. Section 2254 why would I ask to have my 28 U.S.C. Section 2254 recharacterized as a 28 U.S.C. Section 2254; and what is it that the Court thinks I filed?

(3) Withdraw the petition and file one all-

inclusive petition under 28 U.S.C. Section 2254 within the one year period provided in 28 U.S.C. Section 2244 (d)....

This option leads me to believe that the Court has somehow mistaken my reply brief as a new filing because I cannot understand why I would be asked to file one all-inclusive petition if I only filed one petition.

Also, due to the fact that I am locked-down twenty-three (23) and twenty-four (24) hours a day I do not have access to *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999) or 28 U.S.C. Section 2244 (b) compounding my problem in making a decision. I have nothing to tell me why I must make a decision, making it impossible for me to pick the right option. Can you please tell me why this decision is necessary?

I apologize for my stupidity in analyzing the Court's Order and thank you for your attention and cooperation in this matter.

Very truly yours,
Steve Romansky